
Federal Communications Commission DA 98-133

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-20
Table of Allotments,)	RM-8979
FM Broadcast Stations.)	
(Yarnell, Arizona))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 21, 1998

Released: January 30, 1998

By the Chief, Allocations Branch:

1. The Commission considers herein the *Notice of Proposed Rule Making* ("Notice"), 12 FCC Rcd 684 (1997), issued in response to a petition for rule making filed on behalf of Yarnell Communications ("petitioner") proposing the allotment of FM Channel 258A to Yarnell, Arizona, as its first local aural transmission service. Petitioner filed supporting comments in response to the *Notice*. No other comments were received.

2. As Yarnell is neither incorporated nor a census designated place, petitioner was requested to provide additional information to demonstrate that Yarnell, Arizona is a *bona fide* community, as that term is defined for purposes of Section 307(b) of the Communications Act of 1934, as amended, for allotment objectives. In response to our request, petitioner states that Yarnell is attributed with a population of 455 persons in the 1990 U.S. Census data reports.¹ Additionally, petitioner advises that Yarnell contains an elementary school, a fire district, a small commercial sector, and community facilities for its residents such as a community hall, library and a park. Petitioner advises that Yarnell also has a local weekly newspaper. Further, petitioner remarks that while the principal economic activities of Yarnell are comprised of cattle ranching and mining activities, it also possesses a growing arts, crafts and antique business that has resulted in a significant increase in tourism. Petitioner adds that Yarnell has also become an attractive retirement area because of its reasonable cost of living and mild climate. It has also come to our attention that approximately forty-eight businesses are located in Yarnell. Among the listed entities are financial institutions, churches, a medical clinic, an American Legion post, beauty salons, lodging and meeting facilities, restaurants, a water improvement association, justice of the peace, sheriff's office, senior citizens services, realtors, sanitation services, a hardware store, and food supply sources.

¹Yarnell appears in the 1990 U.S. Census under its post office name and assigned zip code (85362). However, such narrow listing in the Census is not sufficient to create a presumption of community status.

3. In light of the foregoing, we believe that Yarnell contains sufficient indicia to conclude that it is a community for allotment purposes. It is an identifiable population grouping with numerous business entities and community organizations that identify themselves with the residents of Yarnell. See *Garrison, Kentucky*, 6 FCC Rcd 1428 (1991). Therefore, we will allot Channel 258A to Yarnell, as requested.

4. As stated in the *Notice*, Channel 258A can be allotted to Yarnell, Arizona, in conformity with the minimum distance separation requirements of Section 73.207(b)(1) and (3) of the Commission's Rules, utilizing the community reference coordinates at 34-13-18 and 112-44-48. Moreover, as Yarnell is located within 320 kilometers (199 miles) of the U.S.-Mexico border, the Commission obtained concurrence of the Mexican government to the requested allotment of Channel 258A to that community.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective March 16, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED to include Yarnell, Arizona, as follows:

<u>City</u>	<u>Channel No.</u>
Yarnell, Arizona	258A

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. A filing window for Channel 258A at Yarnell, Arizona, will not open at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

8. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau